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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 10-0245 JSW
)	
Plaintiff,)	STIPULATION AND [PROPOSED]
)	ORDER SETTING DATE FOR CHANGE
v.)	OF PLEA AND VACATING TRIAL
)	DATES
KENNETH MARTIN KYLE,)	
)	Date: March 8, 2012
Defendant.)	Time: 2:00pm

The purpose of this stipulation is to set the case for the defendant's change of plea, pursuant to the proposed plea agreement that was provided to the Court under separate cover. The parties understand that the Court is available on March 8, 2012, at 2:00pm for the change of plea in this matter, and ask that it be set at that time, with sentencing to be set after the plea is entered.

Given the impending trial deadlines in this matter, the parties also ask that the Court vacate the trial date and pre-trial deadlines while the plea agreement is under consideration. The Speedy Trial Act is automatically tolled while the Court considers the parties' proposed plea agreement, which was submitted yesterday. 18 U.S.C. § 3161(h)(1)(G). There are several reasons beyond consideration of the proposed plea that support an order vacating the trial date,

1 even if the Court ultimately decides not to accept the plea agreement. The trial of this case will
2 involve out-of-state witnesses, and in particular, an out-of-state inmate who will have to be
3 transported to this District. Also, the defendants in a multi-defendant case in which government
4 counsel is also lead counsel – *United States v. Fidel Reyes de la Cruz et al.*, CR 12-0088 LHK –
5 have refused to waive time, causing that case to be set for trial before Judge Koh on March 26,
6 2012.

7 Accordingly, the parties stipulate and request that the Court set this case for change of
8 plea on March 8, 2012, and vacate all remaining dates set in this case until sentencing.

9 SO STIPULATED:

10 MELINDA HAAG
11 United States Attorney

12 /s/

13 DATED: February 15, 2012

14 OWEN P. MARTIKAN
Assistant United States Attorney

15 /s/

16 DATED: February 15, 2012

17 DAVID M. BIGELEISEN
Attorney for Kenneth Martin Kyle

18
19 **[PROPOSED] ORDER**

20 Per the parties' stipulation and for good cause shown, the change of plea hearing in this
21 case is hereby set for Thursday, March 8, 2012, at 2:00pm. The trial date and pre-trial deadlines
22 in this case are hereby vacated.

23 SO ORDERED.

24
25 DATED: _____

26 HON. JEFFREY S. WHITE
United States District Judge